



Delhi Medical Council

368, 3rd Floor, Pathology Block,
Maulana Azad Medical College,
Bahadur Shah Zafar Marg,
New Delhi-110002

DMC/14/2/Comp.187/2005/

30th May, 2005

Smt. Shybi Jose
Amba Apartments,
161, House No. 5, Ward No. 2,
Mehrauli,
New Delhi-110030

Complainant

Vs.

1. Dr. Ravindra Panditha
Through Medical Superintendent
Batra Hospital & Medical Research Centre
1, Tuglakabad Institutional Area,
Mehrauli Badarpur Road,
New Delhi – 110 062

Respondents

2. Dr. Arun Dewan
Through Medical Superintendent
Batra Hospital & Medical Research Centre
1, Tuglakabad Institutional Area,
Mehrauli Badarpur Road,
New Delhi – 110 062

3. Medical Superintendent
Batra Hospital & Medical Research Centre
1, Tuglakabad Institutional Area,
Mehrauli Badarpur Road,
New Delhi – 110 062

ORDER

The Delhi Medical Council examined a complaint of Smt. Shybi Jose, forwarded by the Govt. of NCT of Delhi, alleging medical negligence on the part of respondents 1 to 3 in the treatment administered to her husband late Jose EV at Batra Hospital resulting in his death on 21.9.2004.

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The Council examined the complaint, reply of Dr. Ravindra Panditha, Dr. Arun Dewan, case papers of Batra Hospital and heard the following in person :-

1. Smt. Shybi Jose
2. Mr. D. Thomas, brother-in-law of the deceased
3. Mr. Franci George, brother of the deceased
4. Dr. Ravindra Panditha
5. Dr. Arun Dewan
6. Dr. Sheela Datt, Addl. M.S., Batra Hospital

Briefly stated the facts of the case are that late Jose E V (referred hereinafter as the patient) was admitted in Batra Hospital (referred hereinafter as the said hospital) with a diagnosis of Acute cholecystitis on 15.09.04. The patient was taken up for laproscopic Cholesystectomy on 16.09.04, which was performed by Respondent no.1. During the procedure injury to the CBD was suspected because of which the procedure was converted to open cholesystectomy and the bile duct was repaired around a T-Tube. On 19.09.04 the patient was diagnosed to have developed cholangitis with septicemia with associated pancreatitis. Thereafter the condition of the patient continued to deteriorate and he expired on 21.09.04. The cause of death being Acute Chronic Cholecystitis, cholangitis, septicemia, MODS with associated pancreatitis, as per the death report of Batra Hospital.

It is the allegation of the complainant that the bile duct injury caused during the laproscopic procedure necessitating the conversion into open cholesystectomy, the subsequent septicemia and failure on the part of respondents 1 to 3 to provide ICU care for two days immediately after surgery, reflects the negligence on the part of respondents.

The respondent no.1 in his reply admitted that there was a bile duct injury during the surgical procedure requiring the conversion into an open cholesystectomy. The same is also documented in the records of the said hospital. Respondent no.1 attributed the bile duct injury to being a known complication of a gallbladder surgery. The Council is in agreement with this assertion. The follow up action initiated by the respondent no. 1 to counter the complication was in accordance with one of the accepted methods in such cases. On the issue of transfer of the

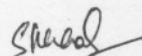
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patient after surgery to a ward and not to an Intensive Care Unit, it is observed that there cannot be any hard and fast rule, the decision whether the condition of the patient warrant ICU facility or the same can be managed in a ward is the prerogative of the doctor concerned based on his clinical assessment of the condition of the patient. As is apparent from the case notes, the condition of the patient was observed to be stable before shifting to the ward from the surgical ICU and remained stable till 19.9.2004 when he was again shifted to ICU.

The patient had hypotension and fall in urine output on the early morning of the 3rd post-operative day (19.9.2004). The patient was then shifted to the Medical ICU. Sepsis was suspected to be the cause for the deterioration of the condition. The likely causes of sepsis include an infected intra abdominal collection or cholangitis (biliary sepsis). A CT Scan was done which did not reveal any Intra abdominal collection. Blood investigations were suggestive of pancreatitis. The patient was then managed by a team including Respondent no.2, a physician, in the Medical ICU. However, the patient did not improve and went into multi system organ failure and succumbed on 21.9.2004 at 1.15 PM. The Council is of the opinion that adequate care was provided in managing the patient and there is no apparent cause of negligence on the part of respondents 1 to 3.

Complaint stands disposed.

By the order of and in the name of
Delhi Medical Council



(Dr. S.K. Khattri)
Secretary

Copy to :-

1. Smt. Shybi Jose, Amba Apartments, 161, House No. 5, Ward No. 2, Mehrauli, New Delhi - 1385
2. Dr. Ravindra Panditha, Through Medical Superintendent, Batra Hospital & Medical Research Centre, 1, Tuglakabad Institutional Area, Mehrauli Badarpur Road, New Delhi - 110 062 - 13854

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Delhi Medical Council

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3. Dr. Arun Dewan, Through Medical Superintendent, Batra Hospital & Medical Research Centre, 1, Tuglakabad Institutional Area, Mehrauli Badarpur Road, New Delhi - 110 062 - 13855
4. Medical Superintendent, Batra Hospital & Medical Research Centre, 1, Tuglakabad Institutional Area, Mehrauli Badarpur Road, New Delhi - 110 062 - 13853
5. Deptt. of Health & Family Welfare, Govt. of NCT of Delhi, A-Wing, 9th Level, Players Building, Delhi Secretariat, I.P. Estate, New Delhi - 110 002 - With reference to letter No. F.342/118/2004/H&FW/6578 dated 26th October, 2004. - 13852

S.K. Khattri

(Dr. S.K. Khattri)
Secretary

1. Dr. Ravindra Pandita
Through Medical Superintendent
Batra Hospital & Medical Research Centre
1, Tuglakabad Institutional Area,
Mehrauli Badarpur Road,
New Delhi - 110 062

2. Dr. Arun Dewan
Through Medical Superintendent
Batra Hospital & Medical Research Centre
1, Tuglakabad Institutional Area,
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New Delhi - 110 062

3. Medical Superintendent
Batra Hospital & Medical Research Centre
1, Tuglakabad Institutional Area,
Mehrauli Badarpur Road,
New Delhi - 110 062

ORDER

The Delhi Medical Council examined a complaint of Mrs. Sighi Jose, forwarded by the Govt. of NCT of Delhi, alleging medical negligence on the part of respondents 1 to 3 in the treatment administered to her husband late Jose FV at Batra Hospital resulting in his death on 21.9.2004.

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